

# **IEERB Procedures Under IC 20-29 (PL 217, as amended by PL 48)**

**Presented by**

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# IEERB BACKGROUND

- **FUNCTION**

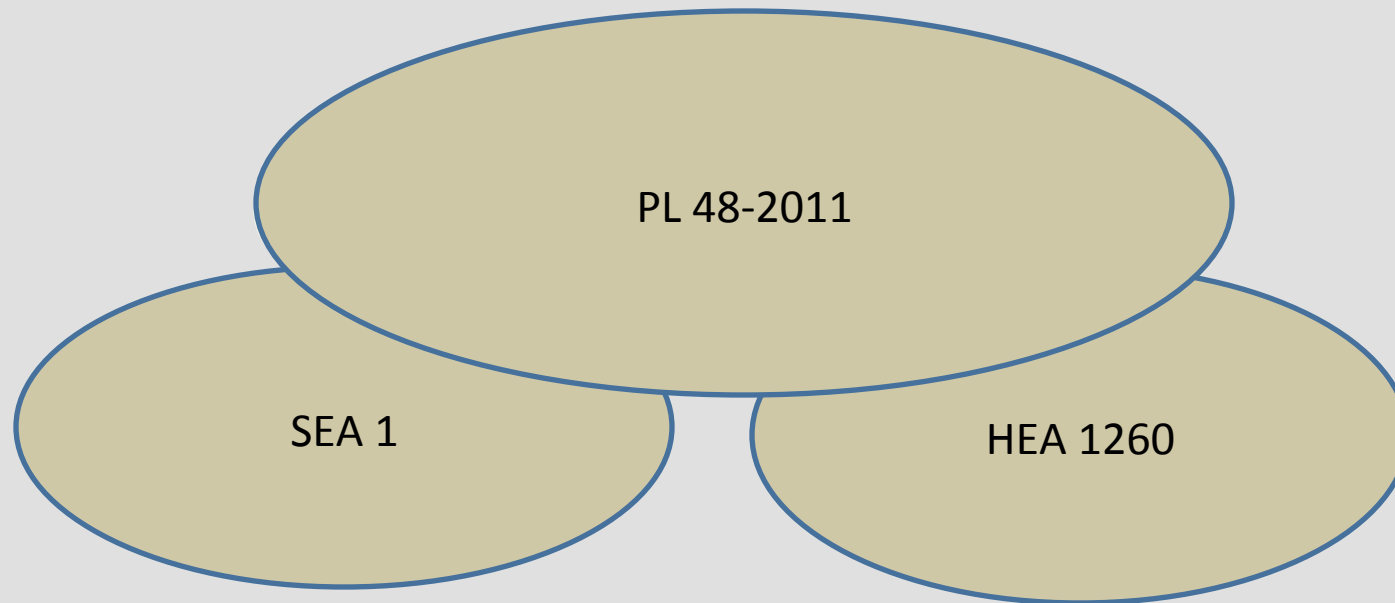
- Representation Elections
- Unit Determinations
- Research
- Conciliation

- **AUTHORITY**

- Granted by Statute
- Composition of Board

# Introduction to IC 20-29

- Numerous Changes in the Laws



# **New Working Relationship with DOE**

- Placement under DOE by Governor Daniels
- Collaboration on Education Reform
- DOE' s FAQs
- (Still) Neutrality on cases

# **New Working Relationship with DOE**

(cont)

- IEERB' s Access to DOE' s Resources
  - Legal assistance provided by Sarah Cudahy
  - IEERBSearch shifted to DOE
  - Designated “Help Desk” at DOE for questions and answers
  - Contract and salary schedules will be hosted by DOE
  - Public Information Officer is Stephanie Sample (Press releases and press relations)

# The 3 BIGGEST Changes

- 1. Bargaining/Impasse Timelines
- 2. Fact Finding (LBOs, Binding)
- 3. Cost of Impasse Procedures

# Changes in IEERB Functions and Bargaining

- Committees:
  - PL 48 limits percentage of teacher positions on committees
- Scope of Contracts/Subjects of Bargaining
  - Salary and wage-related fringe benefits, including paid time off
  - Teacher Evaluations: Limits on areas of negotiations
  - Other subjects are prohibited
  - Terms of contract

# Changes in IEERB Functions and Bargaining (Continued)

- Subjects of Discussion
  - Discussables can't be bargained (State Board of Accounts to monitor inappropriate contract language)
  - No Longer discussing Working Conditions!
  - Discussables now include:
    - Evaluation
    - Safety Issues
    - Hours (thus, no longer bargained)\*

*\*IEERB's Nettlecreek's decision has been appealed to court*



# Deficit Financing

IC 290-29 defines as:

**“Deficit financing”** for a budget year means actual expenditures exceeding the employer’s current year’s actual General Fund revenue.”

And further states:

**“It is unlawful** for a school employer to enter into any agreement that would place the employer in a position of deficit financing due to a reduction in the employer’s actual General Fund revenue or an increase in the employer’s expenditures when the expenditures exceed the employer’s current year actual General Fund revenue.”

And

**“A contract that provides for deficit financing is void to that extent, and an individual teacher’s contract executed under the contract is void to that extent.”**

## Bargaining/Impasse Timeline IC 20-29 (as amended)

- Before 8/1 **Informal negotiations may be held** (IC 20-29-6-12)
- 8/1 **Formal bargaining begins** (IC 20-29-6-12)  
**DOE provides parties with Estimate of General Fund revenue available for bargaining** (IC 20-29-6-12.5)
- [~9/14] **ADM Count**
- 9/30 **All impasses declared** (60 days after formal bargaining begins-IC 20-29-6-13)
- 10/15 **All mediations must begin** (15 days after impasse declared-IC 20-29-6-13)
- [~10/14] **DOE provides Certification of available bargaining revenue** (30 days after first ADM count-IC 20-29-6-12.5)
- 11/1 **Holdover date from previous statutory language- does not affect bargaining**
- 11/14 **All Mediation must end** (30 days after mediation begins-IC 20-29-6-13)
- 11/29 **All factfinding must begin** (15 days after mediation ends-IC 20-29-6-13)
- 12/14 **All factfindings must end** (15 days from beginning of the factfinding-IC 20-29-6-15)
- 12/31 **No factfinding hearing can be held after this date** (IC 20-29-8-7)
- 1/13 **Deadline for appeal of factfindings to the full board** (fact findings may be appealed within 30 days of receipt of factfinder's decision-IC 20-29-6-18)
- 2/12 **Board rulings on appeal of factfindings due** (board must rule on factfinding appeals within 30 days of the appeal-C 20-29-6-18)

### Implications

1. If a contract is not settled by 9/30, impasse will automatically be triggered by operation of law.
2. IEERB will not provide impasse services between January and August of each year. We will continue to provide our other statutory services including unfair practice complaint processing, representation/unit determination, and research.

# Mediation Requirements

- Must begin within 15 days of board notice of impasse
- Minimum of one; Maximum of three sessions
- Must result in either
  - (1) agreement between the parties (or)
  - (2) Each parties last best offer, including fiscal rationale
- Mediation shall be completed within 30 days after start of mediation
- Cost of mediation borne equally by parties (\$800.00 per day plus expenses)

# Factfinding Requirements

- Mandatory initiation
- Last Best Offers
- Always results in a contract
- Factfinder only considers General Fund and DOE/ DLGF certified funds
- Report covers ONLY bargainable items
- Can't result in deficit financing
- Process limited to 15 days from beginning to end
- Cost borne equally by the parties (\$1,200.00 per day plus expenses)

# Factfinding Preparation

- Best Preparation Occurs while you are preparing the budget
  - Keep all supportive data you use as you assemble and support your budget
    - Spreadsheets on personnel and benefits (ALL BENEFITS)
    - Retirement projections/SS/TRF
    - Utilities
    - General Fund Revenue/Expenditure History (3 years)
    - Areas of extraordinary impact on the General Fund
    - Exclusive Representative also must justify financial costs in relationship to approved General Funds certified as being available (new in 2012)



# Factfinding Presentation

- For the Factfinding hearing:
  - 3-Year history of ADM and 2-Year Projection
  - DOE and DLGF (if applicable) Verification for General Fund
  - Projected funding differential between two required count days on General Fund Revenue, if applicable
  - 3-Year Budget History
  - Describe “unique” aspects of district (i.e.: LEA for special education)
  - Narrative that describes the last, best offer (Both Parties)
  - Verification that the Last, Best Offer (LBO) doesn't provide for deficit spending (Both Parties)

# Factfinding Appeals

- Must file within 30 days of factfinder's decision
- Board's decision restricted to bargainable items
- Board's decision cannot create deficit financing
- Board's decision cannot go beyond last, best offer (LBO)
- Board must rule within 30 days of Notice of Appeal

# **Frivolous Unfair Practice Complaints**

Pursuant to IC 20-29, if a complaint is found to be frivolous, the party that filed the complaint is liable for costs and attorney fees



# THANK YOU!!

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